

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**JOHN ROBERT SMITH, SHIRLEY HALL
AND GENE WALKER**

PLAINTIFFS

VS.

Civil Action No. 3:01-cv-855-HTW-DCB-EGJ

**DELBERT HOSEMAN, Secretary of State of
Mississippi; JIM HOOD, Attorney General for the State of
Mississippi; HALEY BARBOUR,
Governor of the State of Mississippi; MISSISSIPPI
REPUBLICAN EXECUTIVE COMMITTEE; and
MISSISSIPPI DEMOCRATIC EXECUTIVE
COMMITTEE**

DEFENDANTS

and

**BEATRICE BRANCH, RIMS BARBER,
L.C. DORSEY, DAVID RULE,
JAMES WOODWARD, JOSEPH P. HUDSON,
and ROBERT NORVEL
INTERVENORS**

CONSOLIDATED WITH

KELVIN BUCK, ET AL.

PLAINTIFFS

VS.

Civil Action No. 3:11-cv-717-HTW-LRA

HALEY BARBOUR, ET AL.

DEFENDANTS

AUTHORITIES SUPPORTING ARGUMENT MADE ON FRIDAY, APRIL 8, 2022 THAT IF THE INJUNCTION IS DISSOLVED, THE BUCK PLAINTIFFS WOULD BE SUBJECT TO A DEFENSE OF ISSUE PRECLUSION (COLLATERAL ESTOPPEL) IF THEY FILE A NEW COMPLAINT ASSERTING A CLAIM THAT H. B. 384 IS A RACIALLY UNCONSTITUTIONAL GERRYMANDER

Judge Wingate inquired, during oral argument for the Buck plaintiffs on Friday, April 8, 2022, whether there was any authority supporting the argument that if the Court's injunction is dissolved, the Buck plaintiffs would be subject to a defense of issue preclusion if they file a new complaint asserting the same claim that they assert in the present case that H. B. 384 is a racially unconstitutional gerrymander. I informed the Court that I did not have the authority then, but I could provide the authority by Monday, April 11, 2022.

The authorities for the Buck plaintiffs' argument are listed below:

- a. *Elgin Nat'l Watch Co. v. Barrett*, 213 F.2d 776 (5th Cir. 1954); and
- b. *Duffy & McGovern Accommodation Servs. v. QCI Marine Offshore, Inc.*, 448 F.3d 825 (5th Cir. 2006).

Since the Buck plaintiffs informed the Court that they would be providing the authority for their argument made on the 8th day of April, 2022, they are not making any additional argument herein.

This the 11th day of April, 2022.

**RESPECTFULLY SUBMITTED,
KELVIN BUCK, ET AL., on Behalf of Themselves
and All Others Similarly Situated,**

PLAINTIFF

By: /s/ Carroll Rhodes
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KELVIN BUCK, ET AL., on Behalf of
Themselves and All Others Similarly Situated

CERTIFICATE OF SERVICE

I, Carroll Rhodes, one of the attorneys for the Buck plaintiffs do hereby certify that I have filed, using the Court's NextGen/Pacer filing system, and the Clerk of Court sent electronic notification to all counsel of record including:

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This the 11th day of April, 2022.

/s/ Carroll Rhodes

CARROLL RHODES